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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/608,709	06/30/2000	Guangxin Wang	30-5031(4016)	2249

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EXAMINER

PHASGE, ARUN S

ART UNIT PAPER NUMBER

1753

DATE MAILED: 03/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/608,709

Applicant(s)

WANG ET AL.

Examiner

Arun S. Phasge

Art Unit

1753

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/7/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25-62 and 65-69 is/are pending in the application.
- 4a) Of the above claim(s) 27, 34, 41, 44 and 62 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25, 26, 28-33, 35-46, 45-61 and 65-69 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☒ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 25, 26, 28-33, 35-40⁴²⁻⁴³, 45-61 and 65-69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shindo of record for reasons of record in view of Isshiki et al. (Isshiki), article entitled, "Proton Activation analysis of trace impurities in purified cobalt".

The Shindo patent discloses the high-purity cobalt that has the total content of non-cobalt metallic elements within the claimed range and the amount of chromium within the range with sufficient specificity (see Abstract). *Ex parte Steelmand* 140 USPQ 189. The reference further discloses the range of impurities, such as sodium, potassium, iron, nickel, uranium, thorium, carbon, oxygen and other unavoidable impurities (see table 2 in col. 9 and abstract). The reference further discloses the use of the high purity cobalt material as a sputtering target (see abstract)..

The reference does not disclose that the unavoidable impurities are detectable amount of phosphorus, tungsten, manganese, titanium or zinc as claimed,

since the patent is not concerned with the unavoidable impurities and it cannot be determined what tests are used to determine the amounts of the unavoidable impurities.

The secondary reference teaches the use of one type of test to determine unavoidable impurities in purified cobalt (see Abstract). The test determines the presence of some of the elements that remain in the claims.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the disclosure of the Shindo patent with the teachings of the secondary reference, because the secondary reference teaches the use of a particular test to determine some unavoidable impurities in purified cobalt. Other impurities would have been determined by other tests and would be based upon the starting material of the cobalt purified and accordingly would have been obvious to the ordinary artisan.

Further more, the burden is on applicants to show differences in product comparisons. Ex parte Gray 10 UPSQ 2d 1922, 1925 (BPAI 1989).

Response to Arguments

Applicant's arguments with respect to claims 25,26,28-33,35-43,45-61 and 65-69 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arun S. Phasge whose telephone number is (571) 272-1345. The examiner can normally be reached on MONDAY-THURSDAY, 7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nam X. Nguyen can be reached on (571) 272-1342. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Arun Phasge', with a large, stylized loop at the end.

Arun S. Phasge
Primary Examiner
Art Unit 1753

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